

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE JOINT</b>	)	
<b>APPLICATION OF QWEST CORPORATION</b>	)	<b>CASE NO. QWE-T-04-23</b>
<b>AND QWEST COMMUNICATIONS</b>	)	
<b>CORPORATION FOR APPROVAL OF THE</b>	)	
<b>INTERCONNECTION AGREEMENT FOR</b>	)	<b>ORDER NO. 29606</b>
<b>THE STATE OF IDAHO PURSUANT TO 47</b>	)	
<b>U.S.C. § 252(e)</b>	)	

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The Commission is asked in this case to approve an interconnection agreement between Qwest Corporation and Qwest Communications Corporation. In this Order the Commission approves the Application.

**BACKGROUND**

Under the provisions of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements “may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251(b) or(c).” Order No. 28427 at 11 (emphasis in original). This comports with the FCC’s statement that “a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51].” 47 C.F.R. § 51.3.

**THE CURRENT APPLICATION**

The Joint Application for Approval of an Interconnection Agreement between Qwest Corporation and Qwest Communications Corporation was filed on August 30, 2004. The Application seeks approval of the parties’ interconnection agreement for the provision of Qwest’s local exchange services. Included are terms and conditions for interconnection, unbundled network elements, ancillary services, and resale of telecommunications services as

outlined in the Third Revision of Qwest's Idaho Statement of Generally Available Terms and Conditions (SGAT), effective May 24, 2002 (July 25, 2002 Errata).

### **STAFF RECOMMENDATION**

The Staff has reviewed the Application and did not find any terms or conditions to be discriminatory or contrary to the public interest. Additionally, Staff states that similar Applications between Qwest Corporation and its subsidiary, Qwest Communications Corporation, have been approved in other states. Staff believes that the new interconnection agreement is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act. Accordingly, Staff believes that the Application merits the Commission's approval.

### **COMMISSION DECISION**

Under the terms of the Telecommunications Act, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission's review is limited, however. The Commission may reject an agreement adopted by negotiation only if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement or implementation of the agreement is not consistent with the public interest, convenience and necessity. *Id.* Based upon our review of the Application and the Staff's recommendation the Commission finds that the agreement is consistent with the public interest, convenience and necessity and does not discriminate. Therefore, the Commission finds that this Application should be approved. However, approval of this agreement does not negate the responsibility of either of the parties to this agreement to obtain a Certificate of Public Convenience and Necessity if they are offering local exchange services or to comply with *Idaho Code* §§ 62-604 and 62-606 if they are providing other non-basic local telecommunications services as defined by *Idaho Code* § 62-603.

### **ORDER**

IT IS HEREBY ORDERED that the interconnection agreement between Qwest Corporation and Qwest Communications Corporation, Case No. QWE-T-04-23, as discussed above, is approved. Terms of the agreement that are not already in effect shall be effective as of the date of this Order.

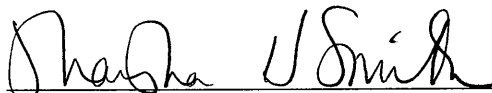
THIS IS A FINAL ORDER. Any person interested in this Order (or in issues finally decided by this Order) issued in this Case No. QWE-T-04-23 may petition for reconsideration

within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order issued in this Case No. QWE-T-04-23. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. See *Idaho Code* §§ 61-626 and 62-619.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6<sup>th</sup> day of October 2004.



PAUL KJELLANDER, PRESIDENT



MARSHA H. SMITH, COMMISSIONER



DENNIS S. HANSEN, COMMISSIONER

ATTEST:



Jean D. Jewell  
Commission Secretary

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